

**AGENDA REQUEST**  
**BUSINESS OF THE PLANNING AND ZONING COMMISSION**  
**CITY OF SUGAR LAND, TEXAS**

<b>AGENDA OF <u>02-08-05</u> DEPARTMENT OF ORIGIN: <u>City Secretary</u> REQ. NO. <u>III A</u></b> <b>DATE SUBMITTED: <u>02-04-05</u></b> <b>ORIGINATOR: <u>KATHY MUNOZ</u></b>	
<b>SUBJECT:</b>	<b>Minutes of January 27, 2005 Planning and Zoning Commission</b>
<b>PROCEEDING:</b>	<b>Approve minutes</b>
<b>CLEARANCES:</b>	<b>City Secretary</b>
<b>EXHIBITS:</b>	<b>Planning and Zoning Commission Minutes January 27, 2005</b>
<b>APPROVED FOR SUBMITTAL: Development Services Director</b>	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT BUDGETED:</b> <b>APPROPRIATION REQUIRED:</b>	

**RECOMMENDED ACTION:**

**Staff recommends approval of the minutes of the January 27, 2005 Planning and Zoning Commission meeting.**

STATE OF TEXAS §  
COUNTY OF FORT BEND §  
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND  
PLANNING AND ZONING COMMISSION  
JANUARY 27, 2005**

The City of Sugar Land Planning and Zoning Commission convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, January 27, 2005 at 7:00 o'clock p.m. and the roll was called of the members; to wit:

Joe Zimmerman, Chairman  
Nancy Porter, Secretary  
Kathy Huebner  
Jesse De La Rosa  
Dinesh Shah  
Rawley Outlaw  
William Sun  
Ronald Bailey  
Suehing Woo Yee Chiang

**QUORUM PRESENT**

All of said members were present with the exception of Commissioner Bailey who was absent.

Also present were:  
Kathy Munoz, City Secretary Office and  
Meredith Wilganowski, Assistant City Attorney  
A Number of Visitors and Staff

**CONVENE MEETING**

*Chairman Zimmerman* convened the regular meeting, open to the public, to order at 7:00 o'clock p.m.

**PUBLIC COMMENT**

*Chairman Zimmerman* called for public comments. There were no public comments.

**MINUTES OF JANUARY 11, 2005**

*Chairman Zimmerman* introduced consideration on the minutes of the regular City of Sugar Land Planning and Zoning Commission meeting held January 11, 2005.

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**MINUTES OF JANUARY 11, 2005 (*Continued*)**

Following a full and complete discussion, ***Commissioner Porter***, seconded by ***Commissioner Huebner***, made a motion to approve the minutes with Commissioner Outlaw and Commissioner Sun abstaining. The motion carried unanimously.

**PUBLIC HEARINGS**

**CONDITIONAL USE PERMIT- 410 BROOKS STREET**

***Chairman Zimmerman*** convened the public hearing to receive and hear all persons desiring to be heard regarding a revised request by Randall and Diana Miller, for a Conditional Use Permit in the Mixed Use Conservation (MUC) District, to construct a residential/commercial building and garage at 410 Brooks Street, being described as .207 acres, Belknap Realty Company Sugar Land Townsite Tract, S.M. Williams League, Abstract 97, Fort Bend County, Texas.

***Ms. Rita Drabek, 302 Village Drive***, having worked with numerous area organizations on historic preservation, expressed concern and asked that the Commission keep the historical significance of the area in mind when making decisions. ***Ms. Drabek*** was favorable to the request.

***Ms. Karen Rusnak, neighbor at 414 Brooks Street***, stated that she felt the applicants should have the freedom to construct whatever they desired on the property.

***Chairman Zimmerman***, hearing no further requests to speak closed public hearing.

**REVIEW AND DISCUSSION – 410 BROOKS STREET CONDITIONAL USE PERMIT**

***Chairman Zimmerman***, opened discussion on the revised request for a conditional use permit in the Mixed Use Conservation (MUC) District, to construct a residential/commercial building and garage at 410 Brooks Street.

***Ms. Sabine Somers-Kuenzel, City Planner***, stated the Planning and Zoning Commission denied the original request by the Millers for a Conditional Use Permit on August 23, 2004. A revised request is being brought before the Commission that is closer in alignment to the scale of buildings currently allowed in the Mixed Use Conservation District. The property is located on the west side of Brooks Street south of Guenther Street within the Mixed Use Conservation District, and requires a Conditional Use Permit (CUP) for construction of a new building or building addition under Chapter 2, Article II, Section 2-166b of the Development Code. The applicants have submitted a revised plot plan sketch and building elevation drawings for the proposed construction. The project requires removal of the original residence and garage currently located on the property.

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**REVIEW AND DISCUSSION – 410 BROOKS STREET CONDITIONAL USE PERMIT**  
*(Continued)*

The applicant proposes to use the new buildings as a residence and as a real estate office, classified as SIC Code No. 6531 (Real Estate), both of which are permitted uses by right in the MUC District. The applicant proposes to use the accessory building as a one vehicle residential garage and office.

Key areas of difference in the revised request from the original are:

The primary structure is single-story with approximately 1,800 square feet. The applicant has stated that the footprint is the same as the original request, with the deletion of the second story. By comparison, the original submittal was 3343 square feet.

The accessory building (garage / office / storage) is a single story containing approximately 730 square feet. The footprint is similar to the previous submittal with 504 square feet for the office area and approximately 226 square feet. The garage portion is for one vehicle; the original submittal was for a two-story three-vehicle garage that would have contained 1234 square feet.

**Commissioner Zimmerman** opened the floor to discussion and direction.

The Commission discussed the development and redevelopment be consistent and compatible with the character and physical appearance of the existing mixed use neighborhoods. **Commissioner Huebner** stated people have informed her they want to see an emphasis on preservation and asked if the Mixed Use Conservation District requirements should be reviewed.

The Commission discussion focused on attachments and exhibits that might be included in the Conditional Use Permits ordinance for the case, including elevation drawings and references to the building finish materials that would be used on the exterior of the two buildings. The Commission asked the applicant to clarify whether the proposed porch would be concrete or wood construction, and was the square footage included in the overall count. Staff confirmed that the overall square footage was for climate controlled areas of the buildings and the applicant indicated that the specific materials for the deck of the porch had not been finalized at the present time. Staff agreed to provide the Commission with a formal elevation drawing in addition to the colored rendering shown at the meeting and in the Commission's packet.

Additional discussion by the Commissioners concerned whether the Mixed Use Conservation (MUC) District could be further examined by Commission / Council as a whole relating to the subject of preservation. Staff agreed that an item could be placed on a future Commission agenda for discussion, with the need to be independent of the Conditional Use Permit case being reviewed.

Hearing no further comments, **Chairman Zimmerman** closed discussion on the request for a Conditional Use Permit at 410 Brooks Street.

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**SUBDIVISION PLATS**

**THE MARKET PLACE AT SUGAR LAND RESERVE H-2, SHORT FORM FINAL REPLAT**

*Chairman Zimmerman* introduced for consideration The Market Place at Sugar Land Reserve H-2, Short Form Final Replat.

*Mr. Douglas Schomburg, Assistant City Planner*, presented an overview. The replat consists of a total of 5.987 acres in the City of Sugar Land. The property is located on the north side of U.S. Highway 59 and on the south side of U.S. Highway 90A, and includes the existing Home and Hearth commercial business and a detention tract owned by the City of Sugar Land. The land is zoned General Business (B-2). The purpose of the replat is to subdivide the existing Reserve H-2 of The Market Place at Sugar Land Reserve H Replat (F.B.C.P.R. Slide No. 1395B) into three reserves - H-2A (vacant), H2B (Home and Hearth), and H-2C (detention pond). This plat meets all of the criteria in Chapter Five of the Development Code (Subdivision Regulations) for a Short Form Final Replat.

The property has access provided by reciprocal access easements under FBCC File No. 9826683 and Slide No. 1395B of Plat records. These measures will facilitate internal and external access and driveway locations during the individual site planning process for the vacant Reserve H-2A.

The applicant had requested that the property be replatted to create the area shown as Reserve H-2A (1.09 acres). The City of Sugar Land obtained a detention area consisting of 1.77 acres since the last replatting of the property. The City indicated to the applicant that the detention tract needed to be formally designated as a platted reserve during the replatting process. H-2C was designated within the plat boundary. The City of Sugar Land is also listed as an owner of land within the plat boundary in the title block.

The Development Review Committee has reviewed the Short Form Final Plat and finds that it conforms to the City of Sugar Land Development Code, Comprehensive Plan and all other City Master Plans. Infrastructure Construction plans will be approved prior to the construction of any public improvements.

The Commission's questions included discussion on the separate instrument notations regarding U.S. Highway 59 "no access provisions" and other access easements recorded by separate instrument and shown on the plat. Staff clarified that no new access easements are being created by the replat.

Following a full and complete discussion, *Commissioner Huebner*, seconded by *Commissioner Outlaw*, made a motion to approve the The Market Place at Sugar Land Reserve H-2, Short Form Final Replat with the following contingencies to be corrected prior to Plat Recordation:

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**SUBDIVISION PLATS (*Continued*)**

**THE MARKET PLACE AT SUGAR LAND RESERVE H-2, SHORT FORM FINAL REPLAT (*Continued*)**

- Clarification of the separate instrument notations regarding access and denial of access to avoid or clarify conflicting information
- Correction of the numbering of the master notes
- Correction of the title to read “Sugar Land” as two words:

The motion carried unanimously.

**SUBDIVISION PLATS**

**LAKE POINTE, SECTION FOUR, PRELIMINARY REPLAT**

*Chairman Zimmerman*, introduced consideration on Lake Pointe, Section Four, Preliminary Replat.

*Mr. Douglas Schomburg, Assistant City Planner*, gave an overview. The replat consists of 91 Lots in four Blocks, and 11 reserves located within the Lake Pointe Planned Development District in the City Sugar Land, totaling 18.81 acres. The Lake Pointe Planned Development was formally approved by City Council on January 4, 2005 pursuant to General Plan approval in March 2004. This replat will subdivide the property previously platted under the Fluor Central Development Tract, and will create residential single-family lots with zero lot line (patio homes) configurations. The request is in compliance with the approved Lake Pointe General Plan, which shows the area as residential. The approved Planned Development Ordinance No. 1477 sets out specific criteria for land use restrictions and bulk regulations for Tract F, Section Four.

Lake Pointe Section Four is specified within the Planned Development Ordinance to be a zero lot line residential subdivision with private streets that will be gated at the entrance to Creek Bend Drive. The City of Sugar Land Fire Department requested an emergency access point that could give access to Creek Bend Drive and is shown via an emergency access point at the southeastern cul-de-sac adjacent to Creek Bend Drive. The Lake Pointe planned development provides for several alternative regulations for development requirements within Tract F. Key points from Ordinance No. 1477 that differ from the Development Code are as follows:

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**SUBDIVISION PLATS (*Continued*)**

**LAKE POINTE, SECTION FOUR, PRELIMINARY REPLAT (*Continued*)**

**H. Private Streets**

- (1) The minimum pavement width of private streets in Tracts E-2, E-3, and F must be 25 feet.
- (2) Public easements for public utilities must be provided under and adjacent to the private streets as determined necessary by the City in the subdivision approval process.
- (3) Sidewalks are not required along private streets.
- (4) Cul-de-sac streets in Tract F must not exceed 1000 feet in length or serve more than 100 lots.
- (5) Gated streets in Tract F must not serve more than 120 lots per street.

The Development Review Committee has reviewed the plat and determined that it conforms to the approved Planned Development Ordinance No. 1477, Lake Pointe General Plan, Development Code, Comprehensive Plan, City Master Plans, and the Development Agreement. As with all development within the City of Sugar Land, infrastructure construction plans shall be approved prior to the construction of improvements.

***Specific Item of Interpretation:***

As noted above, the minimum front yard setback is 15', but is reduced to 0' when abutting a 15' landscape reserve. , Therefore the front property line is the same as the front building line for all of the lots within the subject tract, and the lots must measure at least 50' along the frontage. Lot Seven, Block Four, does not measure 50' along the front property line. The applicant has placed a more restrictive 15' front building line on that lot.

The landscape reserve setback / front property line setback in the Planned Development is not typical of the type of setbacks that are normally reviewed by the City. The applicant has discussed the issue with the Development Services staff, and the applicant was advised that they should be prepared to address the item further with the Commission if requested. Staff is not opposed to the plat as submitted. However, if the Commission determines that the lot width has not been met, a contingency can be required to revise the lot for the Final Plat submittal.

The Commission discussion focused primarily on the specifics of the private streets within the development and the 15' landscape / open space / utility easements along the front of the individual lots, which is a unique arrangement specific to the Planned Development. Another topic of focus was the emergency access point at the southeastern portion of the plat. The Commission was interested in the type of vehicles that would be able to access the area, and the type of ground cover at the site.

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**SUBDIVISION PLATS (*Continued*)**

**LAKE POINTE, SECTION FOUR, PRELIMINARY REPLAT (*Continued*)**

Glen Howard (Planned Community Developers) and Chad Hablinski (Costello, Inc.) provided information to the Commission concerning the standard four wheel vehicles such as police cars, ambulances, as well as fire trucks that could access the gate, and stated that the surface would be a type of “grasscrete” product that allows surface stability for the point of access.

Following a full and complete discussion, ***Commissioner Huebner***, seconded by ***Commissioner Outlaw***, made a motion to approve Lake Pointe, Section Four, Preliminary Replat with the following contingencies to be satisfied by the time of Final Replat:

- Completion of all street names
- Permanent building line for Lot Seven, Block Four as suggested by the applicant
- Correction of typographical error in Master Note 20

The motion carried unanimously.

**LAKE POINTE, SECTION FIVE, PRELIMINARY REPLAT**

***Chairman Zimmerman*** introduced consideration on Lake Pointe, Section Five, Preliminary Replat.

***Mr. Douglas Schomburg, Assistant City Planner***, gave an overview. The replat consists of 18 lots in one block, and six reserves located within the Lake Pointe Planned Development District in the City Sugar Land, totaling 7.65 acres. The Lake Pointe Planned Development was formally approved by City Council on January 4, 2005 pursuant to General Plan approval in early 2004. The replat will subdivide the property previously platted under the Fluor Central Development Tract, and will create residential single-family lots with zero lot line (zero lot line villas) configurations. The request is in compliance with the approved Lake Pointe General Plan shown as residential area. The approved Planned Development Ordinance No. 1477 sets out specific criteria for land uses restrictions and bulk regulations for Tract F, Section Five.

Additional Information Regarding the Preliminary Replat:

Lake Pointe Section Four is specified within the Planned Development Ordinance to be a zero lot line residential subdivision with private streets, and will be gated at the entrance to Creek Bend Drive. The Lake Pointe Planned Development provides for several alternative regulations for development requirements within Tract F. Key points from Ordinance No. 1477 that differ from the Development Code are as follows:



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**SUBDIVISION PLATS (*Continued*)**

**LAKE POINTE, SECTION FIVE, PRELIMINARY REPLAT**

I. Private Streets

- (1) The minimum pavement width of private streets in Tracts E-2, E-3, and F must be 25 feet.
- (2) Public easements for public utilities must be provided under and adjacent to the private streets as determined necessary by the City in the subdivision approval process.
- (3) Sidewalks are not required along private streets.
- (4) Cul-de-sac streets in Tract F must not exceed 1000 feet in length or serve more than 100 lots.
- (5) Gated streets in Tract F must not serve more than 120 lots per street.

The Development Review Committee has reviewed the plat and determined that it conforms to the approved Planned Development Ordinance No. 1477, Lake Pointe General Plan, Development Code, Comprehensive Plan, City Master Plans, and the Development Agreement. As with all development within the City of Sugar Land, infrastructure construction plans shall be approved prior to the construction of improvements.

The Commission asked questions related to placement of utilities at the property, and whether the entrance to the west side of the property would be gated. Glen Howard (Planned Community Developers) and Chad Hablinski (Costello, Inc.) provided information to the Commission regarding the utilities and gating. If gating was proposed for the entrance to the west, the gate location would have to be approved through the City and receive permits. Staff clarified that the Subdivision Regulations have requirement setbacks when gating private streets, and that gates would not likely be able to be approved at the property line with Creek Bend Drive. It could be approved within the private drive to the lots on each side of the entryway, where adequate vehicle space exists.

Following a full and complete discussion, ***Commissioner De La Rosa***, seconded by ***Commissioner Chiang***, made a motion to approve Lake Pointe, Section Five, Preliminary Replat with the following contingencies to be satisfied by the time of Final Replat:

- Completion of all street names
- Correction of acreage table as to calculations
- Correction of typographical error in Master Note 20
- Provide a separate exhibit of parking layout in 15' reserve, as shown to Commission on Section Four by applicant

The motion carried unanimously.

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**AIRPORT REGULATIONS**

*Chairman Zimmerman* introduced review and discussion on Sugar Land Regional Airport Regulations.

*Mr. James Callaway, Development Services Director*, presented further discussion regarding the Sugar Land Regional Airport Zoning Regulations that have been introduced as workshop and discussion items at the last two Commission meetings. Specific detail was paid to the Sugar Land Regional Airport Zoning Map and the Sugar Land Regional Airport Height Hazard Map.

The Commission discussion centered on the following topics:

- Land area shown to the north of the Sugar Land Regional Airport and whether all of that area was parkland or possibly residential. Staff clarified that a large portion of that area was not in the Sugar Land city limits or the extraterritorial jurisdiction of Sugar Land.
- Decibel levels and the noise contour lines on the Sugar Land Regional Airport Zoning Map

*Mr. Callaway* reviewed the details on the Sugar Land Regional Airport Zoning Map, and the boundaries, and the relationship in regards to the Newland Communities Tract Four property development.

The other part of the discussion focused on the Planning and Zoning Commission's future role in the review process concerning Sugar Land Regional Airport issues such as land use, height and any upcoming cases regarding new airport regulations.

**CITY COUNCIL LIAISON REPORTS**

*Councilmember Dennis Parmer, City Council Liaison*, mentioned the recent City Council workshop meeting in which the Council received a favorable Comprehensive Annual Report and Auditors Opinion for fiscal year ending September 30, 2004. Other topics discussed included the Sugar Land Regional Airport projects and a possible future Participation Agreement with the University of Houston. A contract with Huitt-Zollars was approved at the same workshop meeting, authorizing preliminary design and engineering services relating to the Brazos River Corridor/University of Houston Park planning.

**PLANNING AND ZONING COMMISSION LIAISON REPORTS**

There were no reports.

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**DEVELOPMENT COMMITTEE REPORT**

*Mr. James Callaway, Development Director* commented that the Development Committee would no longer be a separate agenda item, and in the future the Commissioner who is serving on the Development Committee would serve as a liaison and report at the Planning and Zoning Commission meetings.

**CITY STAFF REPORT**

There were no reports.

**ADJOURN**

Having no further business to come before the Commission, *Commissioner De La Rosa* seconded by *Commissioner Chiang* made a motion to adjourn. The motion carried unanimously and the meeting adjourned, time 8:35 o'clock p.m.

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Joe Zimmerman, Chairman

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Nancy Porter, Secretary